

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY
Plaintiff

Civil Action No.: 05-125 Erie

VS.

District Judge McLaughlin

TRACY REEVES, ET AL.
Defendant

Magistrate Judge Baxter

STATEMENT OF VERIFICATION

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: 3/22/08

By: Cassius M. Clay Sr.

Cassius M. Clay, Sr.
Pro se Plaintiff

FILED

MAR 26 2008

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

EXHIBIT A #1

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.		
1. To: (Name and Title of Officer) Angie Marhafka	2. Date: 9-03-04	
3. By: (Print Inmate Name and Number) CASSIUS M. CLAY DQ5954	4. Counselor's Name Mrs. Tucci	
<u>Cassius M. Clay</u> Inmate Signature	5. Unit Manager's Name Mr. Wingoro	
6. Work Assignment Law-Lib.	7. Housing Assignment L-16	
8. Subject: State your request completely but briefly. Give details. I have been told to get intouch with you concerning a hearing by Video Conferencing, as I have a Court Order for the 22nd of Oct. I would like to make Arrangements ahead of time, so that everyone would be prepared, and Notified, as this is for the FAMILY DIVISION and I have to represent My-Self.		
Thank You		
cc/file		
9. Response: (This Section for Staff Response Only)		
To DC-14 CAR only <input type="checkbox"/>	To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print _____ Sign _____

EXHIBIT A #2

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
<p>INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.</p>		
1. To: (Name and Title of Officer) <u>Ms. Tucci (Counselor)</u>	2. Date: <u>10-21-04</u>	
3. By: (Print Inmate Name and Number) <u>CARLOS M. CLAY DQ5954</u> <u>Carlos Clay</u> Inmate Signature	4. Counselor's Name <u>MS. TUCCI</u>	
6. Work Assignment <u>Law-Lib</u>	5. Unit Manager's Name <u>MR. WINGARO</u>	
7. Housing Assignment <u>L-1b</u>		
8. Subject: State your request completely but briefly. Give details. <i>I Am writing today to inform you that I have a court proceeding in the family court tomorrow, and as per our conversation, I wrote Mrs. Marhefka, and she has not answered back yet. I would like to know if my hearing by video conference will be tomorrow or not, as I am not on the callout?? Can you get in contact with Mrs. Marhefka and ask her if she made arrangements? Thank you for your time in this very important matter.</i>		
<p>9. Response: (This Section for Staff Response Only)</p> <p><i>Mr. clay, I contacted Mrs. Marhefka and she has no notification of any video conference scheduled for you.</i></p>		
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

Staff Member Name

R. Tucci, D. Jones Date 10/21/04

Print

Sign

(0pt)
EXHIBIT B #1

APRIL 17, 2003

**Chief Hearing Examiner
1451 N. Market St.
Elizabethtown, PA 17022**

IN RE: GRIEVANCE #41097

Dear Sirs;

Today I am writting in hope of getting some information and insight, concerning my Grievance. On January 11, 2003; I had Grieved the Mail Procedure here at S.C.I. Greensburg: in that the Staff Violated the Incomming, and Outgoing Procedures, by not Notifing Me, Nor the Sender of the Mail that; the Mail was returned. (inwhich untill this day No-one has sen this Letter, nor the Contents).

It has been over 2 Months since I have sent the Grievance to Camp Hill, (see copy of inclosed letter, that was mailed the same day, which was Notorized). I hope and Pray that someone really looks into the Mail System here, beacuse it is really in Shambles, and needs to be totally Revamped.

I Appreaciate Your Time In this Very Important Matter.

Cassius M. Clay

Cassius M. Clay DQ5954

R.D. #10, Box 10

Greensburg, PA 15601

Enclosure 1

cc:/File

COPY

EXHIBIT B #2

APRIL 17, 2003

Chief SECRETARYS OFFICE

INMATE GRIEVANCES and APPEALS

DEPARTMENT OF CORRECTIONS

2520 LISBURN ROAD, P.O. BOX 598

CAMP HILL, PA 17001-0598

IN RE: GRIEVANCE #41097

Dear Sirs;

Today I am writting in hope of getting some information and insight, concerning my Grievance. On January 11, 2003; I had Grieved the Mail Procedure here at S.C.I. Greensburg: in that the Staff Violated the Incomming, and Outgoing Procedures, by not Notifing Me, Nor the Sender of the Mail that; the Mail was returned. (inwhich untill this day No-one has sen this Letter, nor the Contents).

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I Appreaciate Your Time In this Very Important Matter.

Cassius M. Clay

Cassius M. Clay DQ5954

R.D. #10, Box 10

Greensburg, PA 15601

EXHIBIT B #3

Chief, Secretary's Office of
Inmate Grievances and Appeals
DEPARTMENT of CORRECTIONS
2520 Lisburn Road, P.O.Box 598
Camp Hill, PA 17001-0598

February 11, 2003

Dear Sirs;

I am writting today in response to GRIEVANCE #41097, In which the manner of Mail is being handled here at S.C.I. GREENSBURG. As I believe this is a very important matter, I would ask , that someone would really look into this continuing problem with the Mail being misplaced, lost, and returned without the Inmates knowledge and being sent to addresses other than where it was adressed to.

I will also be sending a copy of this to Jeffery A. Beard, and also to my lawyer.

Sincerely Yours

Cassius Clay

Cassius Clay

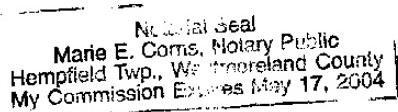
Cassius Clay

DQ-5954

S.C.I. Greensburg

R.D.#10, Box 10

Greensburg, PA 15601



cc/ File

EXHIBIT C #1

U.S. DISTRICT COURT, W.D.

DONETTA W. AMBROSE, CHIEF JUDGE

U.S. Post Office & Courthouse

700 Grant Street

Pittsburgh, PA 15219-1906

IN RE: CIVIL ACTION No. 04-282

Reconsideration motion

Justice Ambrose;

Greetings, today I am writing with grave concern, in regard of the correspondence I had Recieved on March 23, 2005, from the Clerk of Court Robert V. Barth Jr., which stated that you Denied My Motion for Reconsideration, on the 25th of October, 2004. I would like to State for the Record now that, I NEVER recieived any Denial.

I Petitioned the Court on Two Different Occasions because I addressed the Motion Straight to your Chambers, and the Clerk sent it back, and I did not place the Petition back in the mail until the 27th of October, 2004. Where again the Correspondence stated that you Denied the Motion on the 25? I Don't know how this could have happened, and as such, I would like to apply for a C.O.A. and a Notice of Appeal, which the Correspondence stated that you Granted on November 12, 2004, which I Did Not Recieve Either. I would like to know if I can apply now, or in the Next 30 days? THANK YOU FOR YOUR TIME IN THIS VERY IMPORTANT MATTER.

Cassius M. Clay

CASSIUS M. CLAY DQ5954

P.O. Box 945

Marienville. Pa 16239

EXHIBIT C #2**HPS-153 (September 2005)****September 23, 2005****UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**
C.A. No. 05-3013**CASSIUS M. CLAY, SR.****vs.****LAWRENCE P. BENNING, ET. AL
(W.D. PA. CIV. No. 04-CV-00282)****Present: SCIRICA, Chief Judge, WEIS and GARTH, Circuit Judges****Submitted are:**

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's response thereto;
- (3) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) and memorandum of law in support;
- (4) Appellant's supplement to request for a certificate of appealability; and
- (5) Appellant's Motion for Appointment of Counsel

in the above-captioned case.**Respectfully,****Clerk****ORDER**

The foregoing appeal is dismissed as untimely. The time periods prescribed for filing a notice of appeal are "mandatory and jurisdictional," Browder v. Director of Dep't of Corrections, 434 U.S. 257, 264 (1978), and thus not subject to equitable tolling, see Shendock v. Director, Office of Worker's Compensation Programs, 893 F.2d 1458,

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Defendant

Magistrate Judge Baxter

CERTIFICATE OF SERVICE

I certify that on this 22nd day of MARCH,
2008, I submitted the original of this document to prison
officials at the State Correctional Institution of Pittsburgh
by placing the same in the prison mailbox addressed to Office
of the Clerk, U.S. District Court, Western District of PA,
P.O. Box 1820, Erie, PA 16507; and that I also submitted a
separate true and correct copy of this document to the same
prison officials at the State Correctional Institution at
Forest by again, placing the same in the prison mailbox
addressed to Mary Friedline, Esq., Deputy Attorney General,
Office of the Attorney General, 6th Flr., Manor Complex, 564
Forbes Ave., Pittsburgh, PA 15129. (All sent First Class Mail)

Date: 3/22/08

By: Cassius M. Clay Jr.

Cassius M. Clay, Sr.
Pro se Plaintiff